

HEATHER E. WILLIAMS, Bar No. #122664  
Federal Defender  
CAROLYN M. WIGGIN, Bar No. #182732  
Assistant Federal Defender  
801 I Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
Telephone: (916) 498-6666  
Facsimile: (916) 498-6656  
Email: carolyn\_wiggin@fd.org

Attorneys for Defendant-Movant  
KRISTY LYNN FELKINS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

United States of America,	)	Case No: 2:20-cr-00175-TLN
	)	
Plaintiff,	)	
	)	<u>SECOND MOTION TO REDUCE SENTENCE</u>
vs.	)	PURSUANT TO 18 U.S.C. § 3582(c)(1)(A)(i)
	)	(COMPASSIONATE RELEASE)
KRISTY LYNN FELKINS	)	
	)	
Defendant.	)	
	)	

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## I. Introduction

On November 27, 2024, Ms. Felkins filed a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). ECF No. 69. She focused on several circumstances, including:

- The incapacitation of the caregiver of her two youngest children (U.S.S.G. § 1B1.13(b)(3)(A));
- A combination of other circumstances similar in gravity to those listed in U.S.S.G. § 1B1.13(b)(1)-(4), specifically (a) her placement in a prison 1,600 miles away from her family, (b) the harsh and sexually exploitive circumstances at FCI Dublin, where she served part of her prison term; and (c) the lack of programming and physical disrepair at FCI Waseca, where she currently serves her prison term (U.S.S.G. § 1B1.13(b)(5)).

On February 7, 2025, this Court denied Ms. Felkins' motion for compassionate release. ECF No. 77. This Court found that with respect to Ms. Felkins' claim that the caregiver of her children, her sister-in-law Christina Bushnell, was incapacitated, Ms. Felkins "has not provided sufficient evidence establishing extraordinary and compelling reasons that warrant her release." ECF No. 77, p. 4:17-18. Furthermore, it found that "Defendant's mere statement, without more, that her husband and father of the minor children, cannot serve as the primary caregiver because he works six days a week as a truck driver and is often out of town, is unsupported by any competent evidence." ECF No. 77, p. 4:23-26. This Court rejected Ms. Felkins' other possible bases for compassionate release ECF No. 77, pp. 5-6.

Ms. Felkins now brings this second motion for compassionate release. She focuses only on the incapacitation of the caregiver of her minor children because this Court found that the evidence she submitted on that point was insufficient. In this second motion, Ms. Felkins submits additional evidence to support her claim.

## II. Relevant Facts and Procedural History.

### A. Ms. Felkins Largely Positive Character and Behavior Aside from Abberant Offense Behavior in the Midst of Post-Partum Psychosis.

#### 1. Ms. Felkins' Life Prior to Offense

For almost the entirety of Ms. Felkins' life, she has acted as a kind, responsible person. She grew up in Humboldt County, California, where she worked hard on her family's farm and cared for her younger siblings. PSR ¶ 49. Tragically, she was molested by a relative for several years but was too afraid to tell anyone when it was happening. PSR ¶ 51. Despite these difficulties, she became involved in her community, playing basketball, taking dance lessons, and serving as an active member of Humboldt County 4H. PSR ¶ 52. She showed horses and swine, took part in community services, participated in parliamentary pro, was a junior leader for veterinary science, and held office of county treasurer and secretary. PSR ¶ 52. She also worked and served as an AVID tutor for children in elementary school. PSR ¶ 52. Ms. Felkins' maternal grandmother had horses, and through her exposure to those horses Ms. Felkins developed a passion for riding, showing, and caring for horses. PSR ¶ 52.

Ms. Felkins married her first husband as a young woman and the couple had two children. PSR ¶ 53. The marriage was troubled and in November, 2014, Ms. Felkins and her first husband separated. Ms. Felkins moved from their home in North Carolina to Oregon, and the two children stayed with their father in North Carolina. In October of 2015, Ms. Felkins, who was living in Oregon with her new partner (and current husband) Matthew Bushnell, gave birth to her third child. Within a month of that birth, medical staff reported Ms. Felkins was depressed and suffering from a "low mood." PSR ¶ 62. In November of 2015, Ms. Felkins' doctor prescribed anti-depressants, and he increased the prescriptions in December, 2015, because Ms. Felkins was still feeling depressed much of the time. PSR ¶¶ 62-63.

In early 2016, Ms. Felkins, her partner, and their new baby, G., moved from Oregon to California. PSR ¶¶ 55-56, 64. Ms. Felkins' insurance lapsed, so she did not see a doctor and get her prescriptions refilled. PSR ¶ 64. Ms. Felkins' post-partum mental health issues became worse. Psychotherapist Diana Barnes, who has 30 years of experience in treating women with

1 pregnancy and postpartum-related mood disorders, has concluded that in early 2016, Ms. Felkins  
2 began to suffer from “[a] more serious perinatal mood disorder [than postpartum depression],  
3 namely, a bipolar episode with psychotic features, commonly understood as postpartum  
4 psychosis.” ECF No. 57, p. 2. Dr. Barnes explained that:

5 Postpartum psychosis is often described as a “cognitive disorganization  
6 psychosis” and presents with a constellation of symptoms that include  
7 hallucinations and/or delusions; extreme thought disorganization, cognitive  
8 confusion, and dissociation; severe insomnia; agitation and restlessness; increased  
9 irritability, and aggressiveness. Dissociation causes a disruption in conscious  
10 thought. Because psychosis creates a break with reality-testing, it disables logical  
11 and rational thought. It causes such disorganization of the mind that it strips the  
12 individual of any capacity to make an informed decision or form any rational  
13 intention. Consequently, what appears to make sense to the individual who is  
14 psychotic would never make sense to the outside observer or even to the  
15 individual with postpartum psychosis once they have received appropriate  
16 treatment as is the case with Kristy Felkins.

17 ECF No. 57, p. 2. Dr. Barnes traced how Ms. Felkins’ thoughts during the winter of spring of  
18 2016 matched this pattern of scattered, confused thinking. ECF No. 57, pp. 2-3.

## 19 **2. Offense Conduct**

20 Suffering from psychosis and fearing for her children, Ms. Felkins made a terrible decision.  
21 In February of 2016, she created an account on the website Besa Mafia, a website that purported  
22 to offer to carry out a variety of illegal services in exchange for cryptocurrency, but which in  
23 fact, “was actually a scam website that took users’ money but never carried out the offered  
24 services.” ECF No. CR 35, p. 1. In March of 2016, Ms. Felkins paid Besa Mafia approximately  
25 \$5,000.00 worth of Bitcoin for a hitman to kill her ex-husband. ECF No. 35, p. 2. By April of  
26 2016, Ms. Felkins realized that Besa Mafia would likely not carry out the murder, and she  
27 stopped communicating with Besa Mafia or sending the website money. ECF No. 35, pp. 2-3.  
28 No one from Besa Mafia ever contacted or harmed Ms. Felkins’ ex-husband. ECF No. 35, p. 3.

## 29 **3. Ms. Felkins’ Life After Offense**

30 By the summer of 2016, Ms. Felkins recovered from her post-partum psychosis and went  
31 forward with her life. In 2018 she married her partner, Matthew Bushnell, and the family moved

1 to Nevada in 2019. PSR ¶ 55. Ms. Felkins lived with her family on a large property where they  
 2 keep horses, ducks, and pigs. PSR ¶ 56. Ms. Felkins worked on the farm and was involved in  
 3 her church and community. She created a program for at-risk teen girls involving horse riding  
 4 and horsemanship. PSR ¶ 57. Ms. Felkins' older children from her first marriage chose to live  
 5 with Ms. Felkins. PSR Attachment, ECF No. 50-3, pp. 10-14. Ms. Felkins' also cared for her  
 6 two young sons. PSR Attachment, ECF No. 50-3, p. 18. In short, Ms. Felkins lived a law-  
 7 abiding, pro-social life.

#### 8 **4. Arrest and Indictment**

9  
 10 When Ms. Felkins was arrested in 2020 for the offense, she immediately admitted her  
 11 conduct. PSR ¶ 11. Before sentencing she explained to the United States Probation Office that:

12 At the time I committed this crime, I was suffering from postpartum depression,  
 13 wich [*sic*] due to moving, I was no longer receiving treatment for and had stopped  
 14 medication without medical supervision. I also believe I was experiencing PTSD  
 15 triggers, but at the time lacked the understanding of their effects and how to  
 16 manage them. I was in such a dark place at this time of my life, it was hard for me  
 17 to completely comprehend what motivated me. I was struggling with not seeing  
 18 my older children more regularly.

19 PSR ¶ 21.

20 On September 24, 2020, the government filed a single-count indictment charging Ms. Felkins  
 21 with a violation of 18 U.S.C. § 1958, which prohibits the use of interstate commerce facilities in  
 22 the commission of murder-for-hire. ECF No. 8.

#### 23 **5. Pretrial Supervision**

24 After Ms. Felkins' arrest and before her sentencing she lived at her home in Nevada. She  
 25 was supervised by Pretrial Services in the District of Nevada and was fully compliant with her  
 26 conditions. PSR ¶ 3. She attended outpatient mental health treatment for post-traumatic stress  
 27 disorder. *Id.* She had computer monitoring conditions and there were no violations. *Id.* Her  
 28 therapist, Licensed Clinical Social Worker Jessica Homer, wrote that during her time on pretrial  
 supervision, Ms. Felkins

addressed her unhealthy core beliefs and behavioral patterns that arose from the  
 physical and sexual abuse she endured as a child and adult. Ms. Felkins has been



1 a diligent and active participant in the therapy process, demonstrates consistent  
2 application of therapeutic concepts in her daily life, and has proven herself to be a  
3 concerned and attentive parent to her children.

4 PSR ¶ 66. Ms. Homer also stated Ms. Felkins “appears to be open and honest in session.” *Id.*  
5 Treatment reports submitted to Pretrial Services confirmed that Ms. Felkins attended counseling  
6 and was “highly committed to treatment and demonstrates positive parenting skills. [Felkins]  
7 demonstrates increased emotional intelligence . . . [and] is seeking support for her children as  
8 well.” *Id.*

### 9 **B. Guilty Plea and Sentencing**

10 On March 17, 2022, Ms. Felkins entered guilty plea without a plea agreement in district  
11 court. ECF No. 32. In the factual basis supporting her plea, Ms. Felkins admitted her offense  
12 conduct. On July 20, 2023, this Court imposed a prison sentence of 60 months, to be followed  
13 by a supervised release term of three years. ECF No. 58, 59.

### 14 **C. Caregiving Crisis for Ms. Felkins’ Two Youngest Children**

15 Ms. Felkins is now serving her prison term. Both Ms. Felkins’ older teen children and her  
16 son G., who is nine, and E., who is two, have been left to cope with life while she is incarcerated.  
17 While relatives try to provide the care and consistent support for Ms. Felkins’ children, there is  
18 no relative who can fill the void left by Ms. Felkins, particularly for Ms. Felkins’ two youngest  
19 sons, G. and E.

20 Mr. Bushnell, Ms. Felkins’ husband and the father of G. and E., does his best but he must  
21 work very long hours to support the family. Mr. Bushnell is employed by Tungsten Engineering  
22 Contractors in the position of a Truck Driver and Union Operator. Exhibit A, p. 1. He plays an  
23 essential role in the company’s operations, with primary responsibilities including transporting  
24 critical equipment job sites and collaborating directly with field crews on out-of-town projects.  
25 The company is headquartered in Washoe Valley, Nevada, but many of its projects are situated  
26 at least two hours from this location. Exh. A. p. 1. To fulfill his job duties, Mr. Bushnell travel  
27 extensively and work unconventional and fluctuating hours. Exh. A, p. 1. As put by the  
28 president of Tungsten:

It is common for Mr. Bushnell to depart early in the afternoon or late evening to

1 ensure timely arrivals, often staying overnight or multiple days on location  
 2 depending on project duration. For example, recent projects have included  
 3 extensive overnight work on highway construction projects and infrastructure  
 installations in remote rural areas.

4 Exh. A, p. 1. Tungsten operations are frequently active during the night because of lower traffic  
 5 volumes. Exh. A, p. 1. This requires Mr. Bushnell to be available to work at night. Exh. A, p.  
 6 1. Even when Mr. Bushnell only has to commute from his home in Fallon, Nevada, to the  
 7 company headquarters in Washoe Valley, Nevada, his roundtrip travel is three hours. Exhibit B,  
 8 p. 1.

9 Mr. Bushnell cannot simply quit his job to care full time for his two young sons. The  
 10 family's monthly expenses are more than \$6,500. Exhibit B, pp. 1-8. Even with Mr. Bushnell's  
 11 income, the family sometimes has to borrow money to stay afloat. Exh. B, p. 2. Mr. Bushnell  
 12 cannot simply hire a babysitter or find a daycare to provide all of the care his young sons need  
 13 both because of his irregular and long work hours, and because the family cannot add that  
 14 significant expense (see Exh. B, p. 6) to their already stretched budget. Exh. B, p. 1.

15 Mr. Bushnell's sister, Christina Bushnell, has moved into the family home in Fallon, Nevada,  
 16 and is helping to care for the two young Bushnell boys. Ms. Bushnell, however, has health  
 17 issues that result in excruciating pain, making it difficult for her to care for the boys. Exhibit C  
 18 (filed under seal). Ms. Bushnell has numerous physical ailments, including endometriosis and  
 19 chronic pain. Exh. C, pp. 1-3. Endometriosis is a chronic disease that "causes tissue from the  
 20 uterus to migrate and implant in other regions of the body (8, 9). This tissue interacts with the  
 21 body's endocrine, musculoskeletal, vascular, reproductive, and nervous systems (10) causing  
 22 numerous painful symptoms and physiological changes." Ellis K, Munro D and Clarke J,  
 23 *Endometriosis Is Undervalued: A Call to Action*, FRONT. GLOB. WOMENS HEALTH, 2022 May  
 24 10;3:902371. doi: 10.3389/fgwh.2022.902371. PMID: 35620300; PMCID: PMC9127440.  
 25 (internal footnotes omitted).<sup>1</sup> Endometriosis

26 causes a wide range of symptoms, including chronic pelvic pain, dysmenorrhea

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28 <sup>1</sup> Available at <https://www.frontiersin.org/journals/global-womens-health/articles/10.3389/fgwh.2022.902371/full> (last accessed April 1, 2025).

(menstrual pain), dyspareunia (painful sex), dysuria (painful urination), dyschezia (painful defecation) metrorrhagia (mid-cycle bleeding), diarrhea, constipation, infertility, and myofascial pain, among others. Furthermore, the gastrointestinal symptoms of endometriosis patients are more severe than those of controls, which often results in both coexistence and misdiagnosis of irritable bowel syndrome. As the disease progresses, patients risk developing adhesions, fibrous scar tissue bands that can abnormally bind pelvic and abdominal organs. Endometriosis is the most frequent cause of adhesions in women and common areas for endometriosis adhesions include the anterior abdominal wall, bladder, and uterus. Adhesions can cause anatomical distortion, which can hinder fertility, cause rectal constriction, and be a cause of dyspareunia. In a 2019 study, the presence of endometriosis-associated adhesions was shown to significantly negatively impact quality of life.

The cumulative effect of these chronic pain symptoms is a substantial burden on sufferers and 70% of patients live with unresolved pain (2), with impacts to all aspects of their quality of life.

*Id.* (internal citations omitted).

Ms. Bushnell suffers from many of the symptoms described above. As her treating physician explains, Ms. Bushnell's "[c]urrent pain limits her physical activity including lifting/ pushing/ pulling." Exh. C, p. 1. In a letter to the Court, Ms. Bushnell describes the fact that her endometriosis is severe, exacerbated by numerous abdominal surgeries she has undergone since her teen years. Exh. D, p. 1. The endometriosis has attached itself to her ovaries and intestine. Exh. D, p. 1. Like many other women suffering from endometriosis, Ms. Bushnell now menstruates/bleeds multiple times per month (metrorrhagia). Exh. D, p. 1. Ms. Bushnell is now menstruating for the majority of the month, and, as she describes,

[t]his alone is draining and taxing. The pain is so bad I must use 2-3 heating pads just to ease the discomfort. One on my back, one on my lower stomach and at times one between my legs, because...well...there just isn't anywhere this pain doesn't reach. I also rely on pain meds to help manage my discomfort. On the days when I am not suffering due to extreme menstruation or constipation, I am simply tolerating a lesser amount of pain.

Exh. D., p. 1.

The chronic pain and other symptoms Ms. Bushnell suffers make it difficult for her to care for the two young Bushnell boys, G. (age 9), and E. (age 2). Some days she cannot get G. to school on time or at all. Exh. D, p. 1. She has difficulty buying groceries and preparing meals for the boys. *Id.* There are days she tries to care for them while flat on her back and crying in

1 pain from her endometriosis and Complex Regional Pain Syndrome. *Id.*

2 In acting as caregiver to G. and E., Ms. Bushnell has also made her health worse by delaying  
3 needed treatment. Ms. Bushnell is a patient of Kaiser Permanente, and Kaiser does not offer  
4 health plans to Nevada residents. In June of 2024, both of Ms. Bushnell's Kaiser doctors in  
5 California discussed the possibility of surgery to assist in treating Ms. Bushnell's endometriosis.  
6 Exh. C, pp. 4-5. Ms. Bushnell reports that the surgeon who was going to perform this surgery  
7 "has now backed a way from my very complicated case, as another year of bypass scar tissue and  
8 Endometriosis attachment has resulted." Exh. D, p. 2. In addition, because she cannot leave  
9 Nevada while she is caring for G. and E. she cannot get the physical therapy for chronic pelvic  
10 pain that her doctor recommends. Exh. D, p. 2.

11 Without treatment, Ms. Bushnell's endometriosis and associated pain will only get worse,  
12 and she may lose her ability to have children. Exh. D, p. 2. Understandably the disease and the  
13 implications of delaying treatment are also affecting Ms. Bushnell's mental health. Exh. D, p. 2.  
14 Ms. Bushnell's "health and mental state are in serious jeopardy." Exhibit I, p. 4. Both Ms.  
15 Felkins and Ms. Bushnell ask this Court to show mercy on both Ms. Felkins, the Felkins family,  
16 and Ms. Bushnell by allowing Ms. Felkins to return home and care for G. and E., and thereby  
17 allowing Ms. Bushnell to return to California to receive the medical care she needs. Exh. D, p.  
18 2; Exh. I p. 4.

#### 19 **D. Ms. Felkins' Conduct While Serving Her Prison Term**

20 During Ms. Felkins' service of her prison term she has taken numerous classes, both from  
21 among those offered by the BOP and by outside providers. She has completed BOP classes  
22 involving topics such as history, geography, and Spanish. Exhibit E, p. 3. She has also taken  
23 courses in crafts such as knitting and cross-stitching. Exh. E, p. 3. In addition, on October 27,  
24 2024, Ms. Felkins was awarded a Certificate of Completion for completing 100 hours in the  
25 Waseca Walkers program. Exh. F, p. 1. The certificate recognized her "dedication, hard work,  
26 and achievement." Exh. F, p. 1.

27 Most importantly, Ms. Felkins has undergone BOP training to become a tutor. Exh. E, p. 3.  
28 On July 19, 2024, the BOP awarded her a Certificate of Achievement for completing the

1 Education Tutor Training ACE class. Exh. F, p. 2. Ms. Felkins has steadily worked as a tutor  
2 during her time within the BOP, regularly being rated as “outstanding” at her job. Exh. E, pp. 4-  
3 6. Her fellow prisoners have observed that she works patiently and persistently in assisting  
4 others in obtaining the GED. Exhibit K, pp. 1-2, 4, 6-8. She has impressed those who have  
5 come to know her in prison as a caring, honest, person who is dedicated to helping others. Exh.  
6 K, pp. 1-8.

7 In addition to taking BOP courses and working as a tutor, Ms. Felkins has furthered her  
8 growth and skills through outside providers while she has served her sentence. In order to  
9 improve her job skills, Ms. Felkins has taken courses to train as a paralegal through Blackstone  
10 Career Institute. Exh. G, pp. 8-15. She has completed sections in Contracts, Torts, Criminal  
11 Law, Real Property, Civil Actions, and Criminal Procedure, regularly receiving high marks on  
12 her tests. Exh. G, p. 13. In order to deepen her spiritual life, Ms. Felkins has taken courses from  
13 the Global University’s School for Evangelism and Discipleship. She has completed courses  
14 covering “Who Jesus Is,” “Your New Life,” and “The Great Questions of Life.” Exh. G, pp. 1,  
15 16. Ms. Felkins has also taken courses through the International Christian College and  
16 Seminary. Exh. G, pp. 2-7. Ms. Felkins has earned straight As in her courses, and her instructor  
17 has been impressed by her thoughtful analysis and reflection and her ability to apply religious  
18 and ethical writings to her own life. *Id.* Finally, Ms. Felkins has successfully completed courses  
19 through Crossroads Prison Ministries. Exh. G, pp. 17-18.

20 Ms. Felkins has fully paid her special assessment. Exh. E, p. 8. She has had no disciplinary  
21 write ups in prison. Exh. E, p. 7. She is deemed by the BOP to have a minimal risk level. Exh. E,  
22 p. 11. She has continually accrued First Step Act Earned Time Credits while in BOP custody.  
23 Exh. E, p. 12.

#### 24 **E. Ms. Felkins’ Release Plan**

25 Ms. Felkins has a strong release plan. She will live at her home in Fallon, Nevada, with her  
26 husband and two youngest children. Exhibit L, p. 1. Ms. Felkins’ return as the primary  
27 caregiver of her two young sons will allow Christina Bushnell to be relieved of caretaking duties  
28 and undergo much-needed medical treatment.

1 Community members look forward to Ms. Felkins' return as well. Mary Olshefski writes  
2 that Ms. Felkins has played a positive role in her family's life by teaching her granddaughter  
3 how to horseback ride and work with animals. Exh. J, p. 1. Ms. Olshefski's granddaughter  
4 similarly writes that Ms. Felkins was her guide and mentor and taught with "exceptional  
5 kindness, expertise, and understanding." Exh. J, p. 2.

6 Upon release, Ms. Felkins will be added to her husband's health insurance and will be able to  
7 obtain treatment for physical and mental health issues. Exh. L, p. 2. Ms. Felkins' former  
8 therapist, Jessica Homer, has agreed to take Ms. Felkins back on as a patient to resume the  
9 therapeutic work she took on before entering the BOP. Exhibit H, p. 1. Ms. Homer believes Ms.  
10 Felkins can benefit from future therapy, and in future counseling can work on topics such as  
11 communication, healthy boundaries, healing from the impacts of incarceration, and re-adjusting  
12 to the community. Exh. H, p. 1.

13 While Ms. Felkins' primary work upon release will be dedicated to caring for her children, if  
14 she has offers of employment if she has an opportunity to work. Ms. Felkins has been offered  
15 several job opportunities upon release. She has been offered a job at Tungsten Engineering  
16 Contractors. Exhibit J, pp. 4-5. The president and CEO of Tungsten Engineering has written a  
17 letter to the Court explaining that despite Ms. Felkins' offense "we firmly believe in Ms. Felkins'  
18 potential for rehabilitation and reintegration into society." Exh. J, p. 4. Tungsten Engineering is  
19 "dedicated to providing individuals like Ms. Felkins with a supportive environment wherein they  
20 can rebuild their lives and contribute positively to our organization. Exh. J, p. 4. Ms. Felkins  
21 has also been offered employment by His Inspiration Christian Books & Gifts. Exh. J, p. 3. The  
22 store's owner has known Ms. Felkins for over five years and believes she has been rehabilitated  
23 and deserves an opportunity. Exh. J, p. 3.

24 Ms. Felkins will also have the ongoing support of the Federal Defenders Social Work Team  
25 as she reenters the community. Exh. L, p. 4.

26 Finally, Ms. Felkins will be on supervised release upon her release. She had no violations  
27 while she was on pretrial release and actively participated in programming. PSR ¶ 3. Ms.  
28 Felkins also agrees that if the Court reduces her sentence to time-served the Court may decide it

is appropriate to enhance her punishment by adding a condition of home confinement to her term of supervised release.

### III. Argument

#### A. Statutory Framework for Sentence Reduction Authority Under 18 U.S.C. § 3582(c)(1)(A)(i)

The compassionate release statute grants courts authority to reduce a term of imprisonment for “extraordinary and compelling reasons.” 18 U.S.C. § 3582(C)(1)(A)(i). Section 3582(C)(1)(A)(i) provides:

(1) in any case--

(A) **the court**, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, **may reduce the term of imprisonment** (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), **after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that--**

(i) **extraordinary and compelling reasons warrant such a reduction; . . .**

**\*\*\*\*\* and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission[.]**

18 U.S.C. § 3582(c)(1)(A)(i) (bold added). Thus, in order to reduce a sentence, the statute requires the Court to 1) find extraordinary and compelling reasons for the reduction, 2) consider the relevant sentencing factors under 18 U.S.C. § 3553(a), and 3) ensure any reduction is consistent with applicable policy statements.

Under the U.S. Sentencing Guidelines, the following list of circumstances qualify as an “extraordinary and compelling reason” to warrant early release: (1) the defendant’s medical circumstances; (2) the defendant’s age; (3) the defendant’s family circumstances; (4) whether the defendant was a victim of abuse while serving his term of imprisonment; (5) “other circumstance or combination of circumstances that, when considered by themselves or together with any of the reasons described above warrant compassionate release”; and (6) “a change in the law (other



than an amendment to the Guidelines Manual that has not been made retroactive)” if certain other conditions are met. U.S. Sent'g Guidelines Manual § 1B1.13(b).

### **B. Ms. Felkins Has Exhausted Administrative Remedies**

A district court may consider a motion for compassionate release brought by an inmate only if “the inmate has requested that the BOP make such a motion and either (a) the inmate has fully exhausted all administrative rights to appeal a failure of the [BOP] to bring a motion on the [inmate]’s behalf, or (b) 30 days have elapsed since the warden of the [inmate]’s facility received a compassionate-release request from the inmate.” *United States v. Keller*, 2 F.4th 1278, 1281 (9th Cir. 2021) (quotation marks and citation omitted, alterations in original); *see also* 18 U.S.C. § 3582(c)(1)(A). Ms. Felkins has exhausted her administrative remedies. Exhibit M.

### **C. Extraordinary Circumstances Support a Grant of Compassionate Release.**

#### **1. Under U.S.S.G. Section 1B1.13(b)(3) Ms. Felkins’ Family Circumstances Are and Extraordinary and Compelling Reason Warranting a Grant of Compassionate Release.**

U.S.S.G. § 1B1.13(b)(3) provides that a defendant’s family circumstances are an extraordinary and compelling reason that can support a grant of compassionate release when there is:

The death or incapacitation of the caregiver of the defendant's minor child or the defendant’s child who is 18 years of age or older and incapable of self-care because of a mental or physical disability or a medical condition.

U.S.S.G. § 1B1.13(b)(3)(A).

Under U.S.S.G. § 1B1.13(b)(3)(A) an extraordinary and compelling reason exists in Ms. Felkins’ case because the person who is caring for her children in her absence, Christina Bushnell, has a serious health issue that severely interferes with her ability to care for others and to obtain the treatment she needs. Ms. Bushnell is incapacitated and should be relieved of her caretaking duties so she can get needed surgery. Exh. C; Exh. D. M. Mr. Bushnell cannot serve as the primary caretaker for the two youngest children in the family because he works long and



1 irregular hours, including overnights, for his company. Exh. A; Exh. B. Somebody needs to  
2 earn money to support the family, and he is doing so.

3 Many federal courts have granted relief when the caretaker of a defendant's minor or  
4 disabled child has become incapacitated, just as Christina Bushnell is now incapacitated by pain  
5 arising out of her medical condition. In *United States v. May*, 2024 WL 5170002, at \*4 (N.D.  
6 Ohio Dec. 19, 2024), the Court noted that federal courts "have found that a caretaker's inability  
7 to support themselves can qualify as incapacitation if their inability diminishes their availability  
8 to provide for minor children." Courts also consider "the best interests of the children, and the  
9 suitability of the minor child's caregiver." *Id.* at \* 5. In *May* the Court granted compassionate  
10 release after Ms. May had served about six months of her 24-month sentence due to the fact that  
11 Ms. May's incarceration left her 21-year-old daughter as the caregiver for eight children, an  
12 overwhelming task. As put by the Court:

13 The choice of leaving May in prison for the next sixteen months or reducing her  
14 sentence to allow her an earlier start to making a home for her children, ideally  
15 before the beginning of the next school year, is not a difficult choice. In the  
16 opinion of the undersigned, it is the only right-thinking one.

16 *May*, 2024 WL 5170002, at \*6.

17 In *United States v. Nunez*, 2024 WL 4504493 (S.D.N.Y. Oct. 16, 2024), the court granted  
18 compassionate release where the mother of Mr. Nunez's son had breast cancer and her treatment  
19 at times causes severe and debilitating side- effects that made it impossible for her to properly  
20 care for their child. In *United States v. Muniz*, the Court granted compassionate release where  
21 the defendant's mother, who was caring for her five and twelve-year-old children, had a stroke  
22 that caused "immense difficulty parenting Defendant's three children." *United States v. Muniz*,  
23 2024 WL 3488485, at \*2 (D. Utah July 19, 2024). The Court recognized that the defendant's  
24 father could not take over daytime caretaking responsibilities because "he works to support the  
25 family." *Id.*<sup>2</sup> In *United States v. Bowers*, No. 2023 WL 5017015 (D. Me. Aug. 7, 2023), the

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27 <sup>2</sup> Additional cases in which courts have granted compassionate release on the ground that the  
28 caretaker of a defendant's minor children has become incapacitated, requiring the defendant to  
return home and assume caretaking responsibilities, are too numerous to list in total but include:

1 Court granted compassionate release where the defendant's minor child was experiencing mental  
 2 health struggles due to his father's incarceration and the child's mother was unable to properly  
 3 care for the child.

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- 4
  - 5 • *United States v. Jackson*, 2024 WL 4826466, at \*4 (S.D.N.Y. Nov. 19, 2024) (granting
  - 6 compassionate release where “Mr. Jackson's partner represents that her health issues are
  - 7 worsening, that these issues pose difficulties in caring for their two children, and that the
  - 8 lack of available alternative caregivers has prevented her from seeking the medical
  - 9 treatment that she needs to improve her condition.”);
  - 10 • *United States v. Smith*, 2024 WL 4556521, at \*6 (D. Nev. Oct. 22, 2024) (“because I find
  - 11 that Z’s caregiver is incapacitated [by substance abuse and mental health issues], Smith
  - 12 has provided the court with an extraordinary and compelling reason for a sentence
  - 13 reduction”);
  - 14 • *United States v. Elm*, 2024 WL 4026024 (S.D.N.Y. Sept. 3, 2024) (granting
  - 15 compassionate release on ground that defendant is needed to care for son);
  - 16 • *United States v. Walker*, 2024 WL 580152, at \*4 (D.N.J. Feb. 13, 2024) (granting
  - 17 compassionate release where “Walker has demonstrated that extraordinary and
  - 18 compelling reasons exist due to the incapacitation of her mother, the caregiver of
  - 19 Walker's minor children.”);
  - 20 • *United States v. Resendiz*, 2023 WL 7309439, at \*2 (S.D. Cal. Nov. 6, 2023) (where
  - 21 defendant’s wife was caregiver for couple’s two minor children and suddenly had to
  - 22 dedicate time to medical needs of one of the children, court granted compassionate
  - 23 release on ground that “[a]though Defendant's wife is not truly incapacitated, she is
  - 24 unable to take care of two of her children while she commutes back and forth to the
  - 25 hospital caring for her sick two-year-old. She is likely to continue to be unavailable on
  - 26 and off over the next year, and the grandparents, who are currently caring for the two
  - 27 children, are unable to continue to do so.”);
  - 28 • *United States v. Curl*, 2023 WL 6213049, at \*3 (D. Nev. Sept. 22, 2023) (granting
  - compassionate release where defendant’s mother was guardian of his three minor
  - children and “medical and mobility needs severely and increasingly limit her capacity to
  - care for them.”);
  - *United States v. Wessels*, No. 2021 WL 5506656, at \*1 (D. Minn. Nov. 24, 2021)
  - (granting compassionate release where defendant’s parents cared for minor children and
  - they suffered from medical issues that limited their ability to care for children);.
  - *United States v. Ortega*, 2021 WL 5038791, at \*3 (D. Kan. Oct. 29, 2021) (granting
  - compassionate release where defendant’s parents cared for her minor son and her father
  - passed away and mother suffered from heart attack that impairs here ability to provide
  - care);
  - *United States v. Blancas de Hernandez*, 2021 WL 2290778, at \*4 (S.D. Cal. June 4,
  - 2021) (granting compassionate release where defendant’s mother was primary caregiver
  - to child and suffered from poor health, a language barrier, and limited mobility);
  - *United States v. Morrison*, 501 F. Supp. 3d 957, 959 (D. Nev. 2020) (granting
  - compassionate release because the current caregiver of the defendant's children, the
  - defendant's 60-year-old mother, “ha[d] spinal stenosis and degenerative disc disease and
  - [was] ... limited in her physical ability to take care of them”).

Ms. Felkins' children are facing a caregiving crisis. The youngest two children need daytime care. Mr. Bushnell is the family's primary financial provider and as a truck driver long and irregular hours, including some overnight hours. Exh. A; Exh. B. That has left Mr. Bushnell's sister, Christina Bushnell, to try to become the primary caregiver for the two young children. Ms. Bushnell, however, is frequently incapacitated by the pain associated with her endometriosis and chronic pain diagnosis. Exh. D. She has put off much needed medical care while caring for the children, which has further exacerbated her problems and could threaten her reproductive health. Exh. D.

Ms. Bushnell certainly should get treatment for her endometriosis as soon as possible; Ms. Bushnell is in pain should be addressing her medical issues with her doctors in California. "If left untreated, endometriosis sometimes can be a progressive condition that can lead to mechanical obstruction of the various areas in the reproductive tract, causing chronic pain as well as infertility. Sometimes there is a slight association with an increased risk for certain types of gynecologic cancers."<sup>3</sup> In addition, at any time Ms. Bushnell's condition could become so debilitating that she has to suddenly leave the family and get treatment, which would leave the younger children with no day-to-day caregiver.

Ms. Bushnell's incapacitation is an extraordinary circumstance that warrants a grant of compassionate release.

## **2. Ms. Felkins' Rehabilitation in Prison Supports Compassionate Release**

The Sentencing Guidelines provide that if a person has shown an "extraordinary circumstance under U.S.S.G. § 1B1.13(a)-(c), then "rehabilitation of the defendant while serving the sentence may be considered in combination with other circumstances in determining whether and to what extent a reduction in the defendant's term of imprisonment is warranted." U.S.S.G. § 1B1.13(d). *United States v. Henderson*, 2024 WL 881253, at \*7 (E.D. Mo. Feb. 23, 2024) (while

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<sup>3</sup> Mount Sinai, *Ask the Doc: Do I Need to Be Concerned About Endometriosis?* (April 21, 2023), available at <https://health.mountsinai.org/blog/do-i-need-to-be-concerned-about-endometriosis/> (last accessed November 25, 2024).

1 rehabilitation alone cannot support a grant of compassionate release, it can be part of a  
2 combination of circumstances that support a grant of compassionate release).

3 Ms. Felkins has engaged in admirable rehabilitation while in prison. She has completed BOP  
4 classes available to her (Exh. E, p. 3) and been commended for her hard work in the Waseca  
5 Walkers program. Exh. F, p. 1. She undertook BOP training to serve as a tutor (Exh. F, p. 2)  
6 and she has regularly been rated as “outstanding” in her job as a tutor. Exh. E, pp. 4-6. Her  
7 fellow prisoners have observed that she works patiently and persistently in assisting others in  
8 obtaining the GED. Exhibit K, pp. 1-2, 4, 6-8.

9 In addition to taking BOP courses and working as a tutor, Ms. Felkins has increased her skills  
10 through classes provided by outside educational organizations. She has trained as a paralegal  
11 through Blackstone Career Institute. Exh. G, pp. 8-15. Further, she has deepened her spiritual  
12 life through classes in religion and philosophy. Exh. G, pp. 1-7, 16-18. She has earned straight  
13 As in her coursework and impressed her teacher with her insights and hard work. Exh. G, pp. 2-  
14 7.

15 Ms. Felkins has fully paid her special assessment. Exh. E, p. 8. Ms. Felkins has had no  
16 disciplinary write ups in prison. Exh. E, p. 7. She is deemed by the BOP to have a minimal risk  
17 level. Exh. E, p. 11. She has continually accrued First Step Act Earned Time Credits while in  
18 BOP custody. Exh. E, p. 12. All of these factors, combined with her positive conduct while  
19 under pretrial supervision, weigh in favor of a grant of compassionate release.

20 As stated by Ms. Felkins, in a letter she wrote the Court on March 25, 2025 (Exh. I), “over  
21 the past 18 months, I have learned invaluable lessons about the significance of my role within  
22 my family and community. I now fully understand how my actions both good and bad impact  
23 the lives of others.” Exh. I, p. 1. Ms. Felkins explains

24 I have come to understand the importance of reaching out for help. Had I known  
25 about the support available to me years ago, I do not believe my mental state  
26 would have deteriorated to the point it did. I now realize that sometimes all we  
27 need to do is ask for help, and I want to assist others in finding that support, so  
28 they do not have to endure the mental anguish and consequences that often follow  
from making poor decisions in moments of distress.

Exh. I, p. 3. In prison Ms. Felkins has experienced “positive transformations” that she will

1 continue to pursue. Exh. I, p. 4.

2 **D. The 18 U.S.C. Section 3553(a) Factors Support a Grant of**  
 3 **Compassionate Release.**

4 Consideration of the factors set forth in 18 U.S.C. § 3553(a) also supports a grant of  
 5 compassionate release to Ms. Felkins.

6 In terms of the nature and circumstances of the offense (18 U.S.C. § 3553(a)(1)), certainly  
 7 using the internet with the intent to hire a hitman is very serious conduct. The circumstances of  
 8 this offense include the fact that Ms. Felkins had lost access to her medical care and was  
 9 suffering from postpartum psychosis. ECF No. 57, pp. 2-3. Her conduct was truly aberrational;  
 10 aside from this incident she has been a caring, responsible person. Thankfully, like virtually all  
 11 dark web internet sites promising to send out a hitman for a fee,<sup>4</sup> the one Ms. Felkins contacted  
 12 was a scam and no one was endangered.

13 The history and characteristics of Ms. Felkins (18 U.S.C. § 3553(a)(1)) show that aside from  
 14 this incident, she has been a kind, responsible person. She was involved with her community  
 15 through the 4-H and other organizations as a young person, and as an adult she was a dedicated  
 16 mother who worked on the family farm and helped young people through training with horses.  
 17 PSR ¶¶ 49-52. Even now while she is incarcerated, she is kind and generous in sharing her  
 18 talents, working as a tutor to help others earn their GEDs and supporting her fellow prisoners.  
 19 Exh. E, pp. 4-6; Exh. K, pp. 1-8.

20 Moreover, Ms. Felkins' circumstances include the fact that she is a mother to four children.  
 21 Her older children have experienced depression in her absence and her sister-in-law, Christina  
 22 Bushnell, has uprooted her life to provide childcare to the younger children, but doing so has  
 23 caused her to stop getting needed medical care. Exh. C; Exh. D. This not only leaves Ms.  
 24 Bushnell in extreme pain but increases the risk that her untreated endometriosis could cause  
 25 permanent damage to her body. Ms. Felkins' is needed as a caregiver to her children.

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 27 <sup>4</sup> Popper, Nathaniel, *Can You Really Hire a Hitman on the Dark Web?*, INTERNATIONAL NEW  
 28 YORK TIMES (March 6, 2020) ("Experts and law enforcers who have studied these sites —  
 almost all of them on the so-called dark web or dark net — say they are scams. There has not  
 been a known murder attributed to any of them.").

1 In terms of the need for the sentence to adequately punish, deter criminal conduct, and  
2 protect the public (18 U.S.C. § 3553(a)(2)), a sentence of time-served to be followed by  
3 supervised release with home confinement will adequately serve those purposes. Ms. Felkins  
4 has served approximately 18 months in harsh and dysfunctional prisons. She has gone through  
5 the excruciating pain of being separated from her family, including four children. She will have  
6 a three-year term of supervised release when she is released from prison and the Court can  
7 enhance the punitive nature of that supervised release term by adding a condition of home  
8 confinement. Ms. Felkins' arrest, conviction, and sentence have had a deterrent effect. Her case  
9 generated regional and even national news coverage.<sup>5</sup> The public will not be endangered by a  
10 reduction in Ms. Felkins sentence. Ms. Felkins' offense was truly a one-off fueled by a mental  
11 health crisis that is no longer present in her life. Before the offense, in the four-and-a-half years  
12 between the offense and her arrest, and ever since her arrest, Ms. Felkins has engaged in no other  
13 misconduct but instead has engaged in wholly pro-social conduct.

14 The need to provide Ms. Felkins with training, medical care, or other correctional treatment  
15 in the most effective manner (18 U.S.C. § 3553(a)(2)(D)) weighs heavily in favor of a reduction  
16 in sentence. Ms. Felkins made excellent progress with her therapist Jessica Homer while was  
17 under pretrial supervision. PSR ¶ 66. Ms. Homer has agreed to take Ms. Felkins back on as a  
18 patient when she is released from prison and Ms. Homer believes Ms. Felkins can benefit from  
19 future therapy, particularly as she works in the areas of communication, healthy boundaries,  
20 healing from the impacts of incarceration, and re-adjusting to the community. Exh. H, p. 1. The  
21 BOP has not provided Ms. Felkins with any mental health therapy. This is especially troubling in  
22 that Ms. Felkins, a sexual abuse survivor, served time at a BOP facility rife with sexual abuse by  
23 guards against prisoners. The BOP has not even managed to place Ms. Felkins in a parenting  
24 program it recommends she takes because despite her requests for admission in the program, the  
25 program has no space. Exhibit E, pp. 8-9.

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28 <sup>5</sup> See, e.g., *AP News, A Nevada woman who hired a hitman using bitcoin to kill her ex-husband gets five years in prison* (July 21, 2024), available at <https://apnews.com/article/bitcoin-murder-for-hire-plot-982744db06845b532666db97660ed0b8> (last accessed November 26, 2024).

1 In terms of the kinds of sentence and sentencing range established for Ms. Felkins' offense  
2 and the need to avoid unwarranted sentencing disparities, a reduced sentence would be a  
3 sentence below Ms. Felkins' advisory Guidelines range. However, this is true in virtually all  
4 compassionate release cases. Through passage of the First Step Act of 2018, Congress showed  
5 that it approves of judges granting compassionate release when the circumstances are  
6 appropriate. This is such a case. Finally, this case does not involve restitution (18 U.S.C. §  
7 3553(a)(7)).

#### 8 IV. Conclusion

9 For the foregoing reasons, Kristy Lynn Felkins respectfully requests that the Court grant  
10 reduction in sentence to time served to be followed by a term of supervised release that includes  
11 a condition of home confinement.

12  
13 DATED: April 3, 2025

Respectfully submitted,  
HEATHER E. WILLIAMS  
Federal Defender

15 /s/ Carolyn M. Wiggin  
16 Carolyn M. Wiggin  
Assistant Federal Defender

17  
18 Attorneys for Defendant-Movant  
KRISTY LYNN FELKINS